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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,899	01/09/2002	Nicholas L. Abbott	02307Z-085840US	3817
43850	7590	12/16/2005	EXAMINER	
MORGAN, LEWIS & BOCKIUS LLP (SF)			TRAN, MY CHAUT	
2 PALO ALTO SQUARE			ART UNIT	PAPER NUMBER
3000 El Camino Real, Suite 700				1639
PALO ALTO, CA 94306				

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT PAPER

20051207

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Application No.: 10/044,899

Art Unit: 1639

- 1) Note: The examiner for your application in the PTO has changed. However, the Group and/or Art Unit location of your application in the PTO is remained the same, which is Group Art Unit 1639.
- 2) The preliminary amendment filed on 01/09/2002: cancelled claims 1-120 and added claims 1-8, which is improper numbering of claims. (See 37 C.F.R. 1.126). An Election/Restriction mailed on 06/10/2004 regarding the newly added claims 1-8, which were renumbered as claims 121-128.
- 3) The amendment and response filed 10/18/2004: "re-insert" claims 7, 10-13, 32-34, 48-54, and 88-101, which is improper amendment (see 37 CFR 1.121(c)(5) and MPEP § 714); cancelled claims 121-128; and added claims 129-173. A Notice of Non-Compliant Amendment (37 CFR 1.121) mailed 01/19/2005 was sent because the amendment was IMPROPER (See 37 CFR 1.121 and MPEP § 714).
- 4) The amendment and response filed 02/28/2005: cancelled claims 1-120 and 121-128 and added new claims 129-202, which is also improper because claims 129-173 were added in the amendment filed 10/18/2004, i.e. the current claims 129-173 are amended not new (see 37 CFR 1.121 and MPEP § 714). A Notice of Non-Responsive amendment mailed 06/14/2005 was sent because applicant did not 1) present claims corresponding to the originally presented invention of claims 1-8 (renumbered as claims 121-128), AND did not 2) elected inventive species (e.g. items A (e.g. organic layer) - E(receptor) as REQUIRED in the restriction/election.
- 5) Applicant amendment and response filed 09/19/2005 is acknowledged and entered. Applicant's amendment has the WRONG status identifiers for claims 129-173, which should be "PREVIOUSLY AMENDED" (See 37 CFR 1.121 and MPEP § 714). Applicant elected claims 186-189 with traverse, and elected the following species: a) self-assembled monolayers comprising an alkanethiol as the species of substrate; b) biotin as the species of recognition moiety; c) neutravidin as the species of analyte; and d) 5CB as the species of liquid crystal.
- 6) However, applicant's election of CLAIMS 186-189 DOES NOT correspond to the ORIGINALLY presented invention of claims 1-8 (renumbered as claims 121-128) as REQUIRED in the Notice of Non-Responsive amendment mailed 06/14/2005. Claim 186 is drawn to a device for amplifying an interaction between a first recognition moiety and an analyte of interest whereas the restricted claim 121 (filed 01/09/2002) is drawn to a device for the detection of ligands. Thus, this election is considered NON-RESPONSIVE.

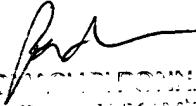
7) The reply filed on 09/09/2005 is not fully responsive to the prior Office Action because applicant's election of CLAIMS 186-189 DOES NOT correspond to the ORIGINALLY presented invention of claims 1-8 (renumbered as claims 121-128) as REQUIRED in the Notice of Non-Responsive amendment mailed 06/14/2005 (See paragraph 6 above). Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to My-Chau T. Tran whose telephone number is 703-305-6999. The examiner can normally be reached on Monday: 8:00-2:30; Tuesday-Thursday: 7:30-5:00; Friday: 8:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Wang can be reached on 703-306-3217. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mct
December 8, 2005



MY-CHAU T. TRAN/ALUTI
[Signature]